

**THE DISTRICT OF PEACHLAND**

**BYLAW NUMBER 2178, 2018**

**Table of Contents**

PART 1 – INTERPRETATION .....	2
PART 2 - DEFINITIONS.....	3
PART 3 – GENERAL REGULATIONS .....	6
PART 4 – NOISE REGULATION.....	6
BOAT NOISE .....	7
OTHER NOISE .....	8
EXEMPTIONS.....	8
PART 5 - PROPERTY MAINTENANCE .....	9
LITTERING.....	9
GRAFITTI.....	9
PRIVATE PROPERTY MAINTENANCE.....	9
BOULEVARD AND LANEWAY MAINTENANCE .....	10
SNOW REMOVAL .....	10
COMPLIANCE ORDERS .....	10
PART 6 - NUISANCE ODOURS, SMOKE AND CAMPFIRE .....	11
PART 7 – FEEDING WILDLIFE AND CONTROL OF WILDLIFE ATTRACTANTS .....	12
PART 8 – ENFORCEMENT AND PENALTY.....	12
ENFORCEMENT .....	12
PENALTY .....	13
REPEAT NUISANCE SERVICE CALLS.....	13

**THE DISTRICT OF PEACHLAND**

**BYLAW NUMBER 2178, 2018**

**A Bylaw to enhance the Quality of Life for the citizens of the District of Peachland**

WHEREAS the Council of the District of Peachland desires to protect Quality of Life for its citizens, and endeavours to promote civic responsibility, and further, strives to encourage good relationships between neighbours;

NOW THEREFORE, the Council of the District of Peachland, in open meeting assembled, ENACTS AS FOLLOWS:

**PART 1 – INTERPRETATION**

- 1.1 This Bylaw may be cited as “Good Neighbour Bylaw No. 2178, 2018”.
- 1.2 The following bylaws of the District of Peachland, including all amendments thereto, are hereby repealed:
  - .1 Noise Abatement Bylaw Number 1330, 1995
  - .2 Unsightly Premises Bylaw Number 1333, 1995
- 1.3 Words or phrases defined in the *British Columbia Interpretation Act, Motor Vehicle Act, Local Government Act, Community Charter* or any successor legislation, shall have the same meaning when used in this bylaw unless otherwise defined in this Bylaw.
- 1.4 Words, phrases, and terms neither defined in this Bylaw, nor in the *British Columbia Interpretation Act, Motor Vehicle Act, Local Government Act, Community Charter* shall be given their usual and customary meaning.
- 1.5 In this Bylaw, unless the context otherwise requires, the singular shall include the plural and the masculine includes the feminine or non-specific gender.
- 1.6 The word “person” includes a corporation, firm, partnership, trusts and other similar entities as well as an individual.
- 1.7 Words shall have the same meaning whether they are capitalized or not.
- 1.8 The words “shall” and “is” require mandatory compliance.
- 1.9 For the purposes of this Bylaw, the words “includes” and “including” shall be interpreted to mean “includes or including among other things, but not limited to.”
- 1.10 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting, the scope or the intent of the provisions of this Bylaw.

- 1.11 If any part of this Bylaw is for any reason held invalid by any court of competent jurisdiction, the invalid portion shall be severed and the severance shall not affect the validity of the remainder.
- 1.12 All dimensions and other measurements in this Bylaw are expressed in the Standard International Units (Metric) System. Imperial measurement conversions are for convenience only, and do not form part of the Bylaw.

## PART 2 - DEFINITIONS

2.1 The following are definitions of terms used in this Bylaw:

**“Accumulation”** means a build up, growth or collection, either scattered, amassed or piled, existing at the time of inspection;

**“Air”** means the atmosphere but does not include the atmosphere inside a human made enclosure that is not open to the weather;

**“Air Quality Health Index”** means the function of transforming air quality measurements into a single number or descriptive term as shown for the Peachland area on the Province of British Columbia’s BC Air Quality website;

**“Boulevard”** means that portion of highway between the curb lines or the lateral boundary lines of a road way and the adjoining property or between the curbs on median strips or islands, but does not include curbs, sidewalks, ditches or driveways;

**“Bylaw Enforcement Officer”** means the persons duly appointed as such by Council and includes any Peace Officer;

**“Campfire”** means a contained outdoor fire used for cooking or recreation, not exceeding one half metre in diameter and one half meter in height, and may also include a woodfired stove for cooking by an outdoor vendor;

**“Container”** means a dumpster, garbage can, garbage bin or other receptacle designed, intended or used to hold rubbish, discarded materials and debris;

**“Dangerous wildlife”** means bear, cougar, coyote or wolf or a species of wildlife that is prescribed as dangerous under the *Wildlife Act*;

**“Derelict vehicle”** means any vehicle or part thereof, propelled otherwise than by muscle power which:

- .1 is physically wrecked or disabled;
- .2 is not capable of operating under its own power; and
- .3 does not have attached number plates for the current year pursuant to the regulations of the *Motor Vehicle Act* of the Province of British Columbia, other than those vehicles licensed as Collector Vehicles.

**“District”** means the District of Peachland;

**“Excessive nuisance abatement fees”** include, but are not limited to the following costs and expenses incurred while responding to a nuisance service call for the purpose of abating nuisance conduct, activity or condition:

- .1 The cost of police and District staff salaries, including all fringe benefits;
- .2 The cost of using police, fire and District equipment and vehicles;
- .3 The administrative costs incurred by the District in responding to a nuisance service call and abating a nuisance; and
- .4 The cost of repairs to damaged District equipment, vehicles or property.

**“Extinguished”** shall mean no visible flame, sparks, glowing embers or smoke;

**“Filth”** means foul or putrid matter;

**“Graffiti”** means one or more letters, symbols, writing, pictures, or marks, however made, posted, scratched, painted or drawn on any structure or thing but does not include any of the following:

- .1 A sign, notice or traffic control mark authorized by municipal, provincial or federal legislation; or
- .2 In the case of private property, a letter, symbol or mark for which the owner of the property on which the letter or symbol or mark appears has given prior written authorization.

**“Grass”** shall include plants that are commonly known or referred to as grass;

**“Hazardous”** means any condition or thing that the Fire Chief or his designate considers to be a fire hazard, or that may increase the risk of the start, spread or danger of fire;

**“Highway or other public place”** includes every street, road, lane, boulevard, sidewalk, lane, bridge, viaduct, and any other way open to public use and any park, building, conveyance, private place or passageway to which the public has, or is permitted to have access or is invited;

**“Inspector”** means a Bylaw Enforcement Officer, Building Inspector, Peace Officer, Director of Fire and Rescue Services or his designate;

**“Lane”** means highway more than 3 metres but not greater than 8 metres in width, intended to provide secondary access to lots;

**“Mobile public address system”** means a public address system that can be used or is used while mounted on a motor vehicle, trailer or such other device transported or moved by human power;

**“Motor-boat”** means a boat or any vehicle used on water that is powered by an engine;

**“Noxious weed”** means any weed designated by regulation to be a noxious weed pursuant to the British Columbia *Weed Control Act*;

**“Nuisance”** means anything that annoys or gives trouble, or that which is offensive, irritating or a pest to anyone residing within the District;

**“Nuisance odour”** means an odour in the air that is obnoxious or interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses;

**“Nuisance service call”** means a District or police response to, and abatement of, any nuisance or other activity, conduct or condition occurring on or near real property which substantially and unreasonably interferes with another person’s use and enjoyment of a public place or of real property occupied by that person, or which causes injury to the health, comfort, or convenience of an occupier of real property and which is caused by or arises from a person’s failure to comply with the requirements of this Bylaw;

**“Offensive matter”** means physical objects which are objectionable to the public;

**“Outdoor Burning Appliance and Portable Campfire Apparatus”** means a CSA or ULC rated device that uses briquettes, liquid or gaseous fuels;

**“Outdoor fireplace”** means a secured container, which is commercially manufactured, certified by the Canadian Standards Association (CSA) or a similar entity, and designed with a chamber to hold an outdoor fire, used for heat, light or cooking purposes;

**“Outdoor Vendor”** means an independently operated vehicle, structure, or mobile apparatus occupying public space, typically for the purpose of providing retail products or services for commercial sale or rental by a business entity, in an outdoor seating to passers-by.

**“Public address system”** means a sound amplification system, either by megaphone or electronically, used outdoors to disseminate the spoken word and/or music to the public in general, and includes outdoor sound amplification systems used for purposes of a performance, concert, exhibition or entertainment;

**“Real property”** means land, with or without improvements so affixed to the land as to make them in fact and in law a part of the real property, and includes, as the context requires, individual premises located on the real property;

**“Rubbish”**, in addition to its common dictionary meaning, shall include decaying or non-decaying solid and semi-solid wastes, such as paper, trash, refuse, cardboard, waste material, cans, glass, bedding, mattresses, crates, rags, barrels, boxes, lumber not neatly piled, scrap iron, tin and other metal, scrap paving material, construction and demolition waste, derelict vehicles and other vessels, tires, machinery, mechanical or metal parts, discarded or dilapidated appliances, discarded or dilapidated furniture, ashes from fireplaces and on-site incinerators, yard clippings and brush, wood, dry vegetation, dirt, weeds, dead trees and branches, stumps, and piles of earth mixed with any of the above;

**“Smoke”** means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned, including without limitation: dust, gas, sparks, ash, soot, cinders, and fumes;

**“Street”** means any highway, roadway, sidewalk, boulevard, place or right of way which the public is ordinarily entitled or may be entitled or may be permitted to use for the passage of vehicles or pedestrians and includes a structure located in any of those areas;

**“Unsightly”**, in addition to its common dictionary meaning, and regardless of the condition of other properties in the neighbourhood, shall include property having any one or more of the following characteristics:

- .1 The storage, location or accumulation visible to a person standing on a public highway or on nearby property, or in a building or structure situate on a public highway or nearby property, of filth, rubbish, graffiti or any other discarded materials;
- .2 The untidy storage, location or placement of building materials on a site where construction is not taking place, except where they cannot be seen from a public highway or from nearby property, or from a building or structure situate on a public highway or nearby property;
- .3 Landscaping or vegetation that is dead or characterized by uncontrolled growth or lack of maintenance or is damaged;
- .4 Any other similar conditions of disrepair, dilapidation, or deterioration.

**“Unwholesome matter”** means physical objects which are detrimental to the physical or mental well being of persons;

**“Ventilation Index”** or **“Venting Index”** means the function of transforming a measure of the atmosphere's ability to disperse pollution into a single number or descriptive term as indicated on the BC Air Quality website, or obtained by calling the BC Ministry of Environment toll free number for this index;

**“Weed”** means and shall include brush, trees, noxious weeds and other growth that is allowed to come to a state of causing, or about to cause, a nuisance and any vegetation that may by its root system, limbs, shoots or leaves intrude into a lane or street in a manner that may impact travel, construction, maintenance levels, longevity or esthetics of said lane or street;

**“Wildlife”** has the meaning prescribed in the *Wildlife Act*;

**“Wildlife attractant”** means any substance that could be reasonably expected to attract Dangerous Wildlife or Wildlife including but not limited to, food products, pet food, seed, restaurant grease, or glass or metal ware or other item having contained food, but does not include game meat or the carcass of an animal defined as wildlife in the *Wildlife Act*;

### **PART 3 – GENERAL REGULATIONS**

- 3.1 No person shall obstruct or interfere with an Inspector in the exercise of his duties.
- 3.2 An Inspector shall have the right to enter upon the property of any owner or occupant at all reasonable times and in a reasonable manner for the purposes of inspecting property and declaring whether the property is unsightly or otherwise not in compliance with this Bylaw.

### **PART 4 – NOISE REGULATION**

- 4.1 No person shall make or cause, or permit to be made or caused, any noise in or on a highway, street, park, beach, lakefront or elsewhere in the District of Peachland which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.
- 4.2 No owner, occupier or tenant of real property, shall allow or permit such real property to be used so that noise or sound which occurs on, or emanates therefrom, disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same premises or in the neighbourhood or vicinity.

- 4.3 No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound, either in or on any private premises, highway, street, park, beach, lakefront or elsewhere in the District of Peachland which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.
- 4.4 No person shall own, or keep or harbour any animal or bird, which, by its cries or barks, disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.
- 4.5 No person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity.

#### BOAT NOISE

- 4.6 No person shall operate a motor-boat so as to cause excessive noise which disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public within the boundaries of the District of Peachland.
- 4.7 No person shall launch a motorboat from any highway or real property acquired by purchase, lease, or otherwise, or accepted, and held by the District of Peachland for pleasure, recreation or community uses of the public, if that motor-boat is equipped with an exhaust system that permits the exhaust gases from the engine to be expelled directly into the air without first passing through the water, unless that motor-boat is equipped with a muffling device which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.
- 4.8 No person shall operate any motor-boat powered by an engine equipped with exhausting devices commonly described as:
  - .1 dry stacks or dry headers, or
  - .2 water injected headers, or
  - .3 over transom water cooled exhaust,unless a properly operating muffler is installed to effectively muffle the noise from those exhausting devices.
- 4.9 Notwithstanding anything contained in this Bylaw to the contrary, the Council may, by resolution, grant permission for a race or regatta to take place and to exempt any motor-boat competing in such race or regatta from the provisions of this Bylaw.

## OTHER NOISE

4.10 No person shall, before 07.00 hours or after 21.00 hours on any day from Monday to Saturday when such day is not a holiday, or before 10.00 hours or after 18.00 hours on any Sunday or holiday, do, or permit to be done, the following activities within the District of Peachland that are liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or of persons in the vicinity:

- .1 construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or excavate or fill land in any manner; or
- .2 load or excavate, transport or remove soil from land; or
- .3 operate, or permit the operation of, any motorized lawn-grooming or garden equipment

4.11 No person shall operate any outdoor public address system in the District of Peachland without first having obtained a permit therefore.

## EXEMPTIONS

4.12 The restriction contained in this part may be waived or varied by a permit in writing from the Bylaw Enforcement Officer or the Corporate Officer granting approval to carry on work that is found to be necessary, at designated hours or on designated days and on such other terms and conditions as the Bylaw Enforcement Officer or the Corporate Officer considers reasonable in the circumstances.

4.13 Notwithstanding the provisions of this Bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health or property, but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.

4.14 Notwithstanding anything else in this Bylaw, upon receipt of an application in the form prescribed, authorized officials of the District of Peachland may, by permit in writing, grant specific exemptions from the applications of Part 4 of this Bylaw in respect of a particular event at a particular location, during the times and on the terms and conditions specified in the permit.

4.15 Where an event in respect of which a permit is issued produces noise or continuous noise in a manner that does not conform to the permit terms and conditions, the permit shall forthwith become null and void.

4.16 The provisions of this Bylaw shall not apply to or be enforced against:

- .1 Any motor vehicle or any other machine of the District of Peachland while engaged upon necessary public business; or
- .2 Any motor vehicle under the control of the Fire Department, while responding to a fire alarm, or to any police officer or peace officer in the discharge of his duty, or to any licensed ambulance or to the use of any siren for the Fire or Police Departments, or in connection with the operation of an ambulance.
- .3 The use of bells or chimes for the announcing of church services of all kinds.

4.17 Any business or industry established in accordance with the District of Peachland's Zoning Bylaw currently in effect, in any area designated as approved for that type of operation, provided that all



precautions are taken according to the latest and most up-to-date scientific methods for abating, controlling or limiting noise, arising from the business or industry conducted, so that the same may be as free from neighbourhood offence as possible.

- 4.18 Farm operations conducted in accordance with normal farm practices under the *Farm Practices Protection (Right to Farm) Act*.

## **PART 5 - PROPERTY MAINTENANCE**

### **LITTERING**

- 5.1 No owner shall cause, allow or suffer any dog to leave or deposit faeces on any highway or other public place or private property other than the property of the owner, without immediately taking action to remove such faeces and to dispose of the faeces in an approved and sanitary manner on the property of the owner.
- 5.2 No person shall deliver circulars, pamphlets, handbills or papers to or within a real property or building located thereon, unless such deliveries are deposited within a receptacle provided for this purpose by the owners or occupiers of the real property or building or secured in some other fashion.
- 5.3 No person shall deposit or throw bottles, broken glass, circulars, pamphlets, handbills, paper or other litter, rubbish or trash on any highway or other public place except in receptacles designed for this purpose.

### **GRAFFITI**

- 5.4 No person shall place graffiti, or cause graffiti to be placed, on any wall, fence or other structure, improvement or thing located on any highway, municipal park or any public place.
- 5.5 No owner or occupier of real property shall place graffiti or allow graffiti to be placed in such a manner as to be visible from a highway, municipal park, other public place or other real property.

### **PRIVATE PROPERTY MAINTENANCE**

- 5.6 Neither the registered owner nor the occupier of real property within the District of Peachland shall:
- .1 Allow such real property to become or remain unsightly such that it gives offence to others or has a detrimental effect upon neighbouring properties or is a potential source of danger of contamination; or
  - .2 Cause or permit rubbish or offensive or unwholesome matter to collect or accumulate around such real property.
- 5.7 The owner or occupier of real property within the District of Peachland, or his agent, shall remove or cause to be removed from such real property any accumulation of filth, discarded materials, rubbish of any kind, brush, trees, noxious weeds or other growths.

- 5.8 No owner or occupier of real property shall permit or cause water to collect or accumulate in an open drain, watercourse, pond, swimming pool, hot tub, excavation area or as surface water which could become sufficiently stagnant as to permit the breeding of mosquitoes or other harmful disease bearing insects as deemed to affect public safety by the Provincial Medical Health Officer.

#### BOULEVARD AND LANEWAY MAINTENANCE

- 5.9 Every owner or occupier of real property adjacent to a boulevard or lane shall ensure that the portion of the boulevard or lane adjacent to the real property, up to the centre line of the boulevard or lane, is kept free and clear, at all times of weeds or rubbish.
- 5.10 No owner or occupier of real property adjacent to a boulevard or lane, or any other person, shall deposit or cause, suffer or permit the deposit of any garden waste materials containing weeds on or upon a boulevard or lane adjacent to the real property.
- 5.11 The planting of shade trees likely to harbour pests injurious to fruit production on any boulevard within the District of Peachland is prohibited.
- 5.12 No person shall break, injure, dig, or destroy any trees lawfully planted, or the soft grass of a boulevard, or any box, stake or guard which is placed around any tree for the protection of same without prior District approval.
- 5.13 No person shall park boat trailers, boats or any other equipment for consecutive periods longer than 72 hours on any boulevard within the District of Peachland.

#### SNOW REMOVAL

- 5.14 Every owner or occupier of real property shall remove all ice and snow from all sidewalks adjacent to that property so that the sidewalks are not covered by snow or ice between the hours of 8.00 am and 8.00 pm.
- 5.15 Every owner or occupier of real property shall remove all snow and ice from the roof or any other part of any structure on the property, within 24 hours of the cessation of any snowfall or storm event that caused the accumulation, where the location of that structure is such that it is reasonable to expect that the snow or ice on it may fall onto any sidewalk or highway.
- 5.16 No persons shall deposit snow, ice or other material removed from sidewalks, walkways, boulevards, lanes or private property onto District property or highways.

#### COMPLIANCE ORDERS

- 5.17 If, in the opinion of the Bylaw Enforcement Officer, the owner of real property or other responsible person fails to comply with a requirement of this Bylaw, the Bylaw Enforcement Officer may issue an order requiring that the owner or other responsible person bring the real property into compliance with the provisions of this Bylaw within such time as the Bylaw Enforcement Officer considers appropriate within the circumstances.
- 5.18 Service of an order referred to in Section 5.19 will be sufficient if a copy of the order is:

- .1 Served personally or mailed by prepaid registered mail to the owner of the real property as shown on the current year's real property assessment role; and
- .2 Either posted on the property or delivered or mailed by regular mail to the occupier of the real property.

5.19 An order issued under Section 5.19 herein must state:

- .1 The civic address of the subject real property;
- .2 The legal description of the subject real property;
- .3 The particulars of the unsightly nature of the real property or other non-compliance with this Bylaw to be remedied;
- .4 That the unsightly nature of the property or other non-compliance with this Bylaw must be remedied within 14 days of the date of delivery of the order, or, in the case of snow, ice, or rubbish on a sidewalk or footpath, within 24 hours from the time the snow, ice, or rubbish is deposited thereon or such other time as may be determined by the Bylaw Enforcement Officer.
- .5 That if the owner or occupier fails to comply with the order, the Bylaw Enforcement Officer may:
  - .1 Issue a Bylaw Notice pursuant to the Bylaw Notice Enforcement Bylaw, or
  - .2 Recommend to Council that Council order the completion of the work required, and that the cost of such work be added to the taxes of the real property, or
  - .3 Recommend to Council that the owner or occupier or both be subjected to prosecution for an offence under this Bylaw.

5.20 Notice issued under Section 5.19 herein may give specific instructions to remedy the unsightly nature of the real property or other non-compliance with this Bylaw, including but not limited to one or more of the following directions:

- .1 Remove unsightly accumulations of materials or rubbish from the real property;
- .2 Remove snow, ice or rubbish from sidewalks and footpaths;
- .3 Clean, stack or cover any material;
- .4 Clear the real property of brush, trees, noxious weeds or other growths;
- .5 Cut grass or weeds present on the real property;
- .6 Prune trees or shrubs;
- .7 Remove rubbish, or cut grass, weeds or other growth from adjacent boulevards or lanes;
- .8 Otherwise remediate, maintain or repair the real property as specified in the notice, so as to bring it into compliance with this Bylaw.

## **PART 6 - NUISANCE SMOKE AND CAMPFIRE**

- 6.1 This Bylaw applies to campfires and outdoor fireplaces as defined and regulated by the "Fire and Life Safety and Smoke Control Regulatory Bylaw" as may be amended or replaced. Should there be a conflict between the two bylaws, the definitions and the regulations contained in the Fire and Life Safety and Smoke Control Regulatory Bylaw shall prevail.
- 6.2 No person shall have a campfire or outdoor fireplace, or permit a campfire or outdoor fireplace to burn earlier than 7.00 am or later than 11.30 pm.

- 6.3 No person shall light an outdoor burning appliance or portable campfire apparatus when:
- .1 Conditions are hazardous, or
  - .2 A fire ban is in place which restricts the use of an outdoor burning appliance or portable campfire apparatus.
- 6.4 No person shall burn any material other than dry seasoned wood in a campfire or outdoor fireplace.
- 6.5 No person may allow or maintain a campfire that is not contained and restricted from spreading or growing in size.
- 6.6 No person may set out, start or kindle a fire that emits opaque or dense smoke, or noxious odours.
- 6.7 No person may allow a campfire or outdoor fireplace to burn unattended.
- 6.8 An Inspector may order the extinguishing of any fire in violation of this bylaw.
- 6.9 Every fire ordered extinguished under this Bylaw must be extinguished immediately. Any fire that continues to burn after an order has been issued may be extinguished by the District of Peachland Fire and Rescue Service under the orders of the Fire Chief. All costs for the response may be recovered under the provisions of Section 17 of the *Community Charter*.
- 6.10 No person being the owner or occupier of property shall allow or permit such property to be used so that nuisance smoke or odours emanate therefrom disturbs or tends to disturb, the quiet, peace, rest, enjoyment comfort or convenience of the neighbourhood or of persons in the vicinity.

## **PART 7 – FEEDING WILDLIFE AND CONTROL OF WILDLIFE ATTRACTANTS**

- 7.1 No person shall store, handle or dispose of Wildlife attractants in such a way that they are accessible to Dangerous Wildlife or members of the family Cervidae (deer).
- 7.2 No person shall feed or attempt to feed Dangerous Wildlife, or deposit Wildlife attractants in a place or manner that attracts Dangerous Wildlife or members of the family Cervidae (deer).
- 7.3 Every owner or occupier of real property must keep the area below a bird feeder on the property of the owner or occupier free of the accumulation of seed and debris from the bird feeder at all times.
- 7.4 No owner or occupier shall permit or allow fruit from a fruit tree or bush on the real property of the owner or occupier to fall on the ground and accumulate in such a manner that it attracts or is likely to attract Dangerous Wildlife or members of the family Cervidae (deer).

## **PART 8 – ENFORCEMENT AND PENALTY**

### **ENFORCEMENT**

- 8.1 The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer or Peace Officer.

#### PENALTY

- 8.2 Every person who contravenes or violates any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this Bylaw, commits an offence and, upon conviction, shall be liable to a fine or penalty not less than \$250.00, and not exceeding \$10,000, and a jail term of not more than 6 months.
- 8.3 Where the offence is a continuing one, each day the offence continues shall be a separate offence.

#### REPEAT NUISANCE SERVICE CALLS

- 8.4 Where a member of the RCMP, Peace Officer or Bylaw Enforcement Officer, or Inspector required to respond to a real property for:
- .1 More than one nuisance service call within a twenty four hour period; or
  - .2 More than three nuisance service calls within a twelve month period,
- the owner of the real property shall be liable to pay an excessive nuisance abatement fee in accordance with the amounts prescribed in the District of Peachland Fees and Charges Bylaw currently in effect.
- 8.5 Before imposing an excessive nuisance service abatement fee, written notice shall first be provided to the owner of the real property:
- .1 Describing in reasonable detail the nature of the nuisance conduct, activity or condition that occurred, or was maintained or permitted in, on or near the real property, and
  - .2 Advising the owner that excessive nuisance abatement fees will be imposed for each additional nuisance service call to the same real property and that the imposition of such fees is in addition to the District's right to seek other legal remedies or actions for abatement of the nuisance.
- 8.6 Excessive nuisance abatement fees shall be paid by the owner within 30 days of receipt of an invoice from the District. If the amount of each invoice is not paid in full before the 31<sup>st</sup> day of December in the year received, on written notice to the owner, the amount shall be added to and form part of the taxes on the real property, as taxes in arrears.

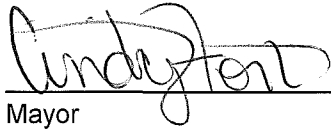
This Bylaw shall take effect upon its adoption by the Council of the District of Peachland.

READ A FIRST TIME, 26<sup>th</sup> day of June, 2018.

READ A SECOND TIME, this 10<sup>th</sup> day of July, 2018.

READ A THIRD TIME, this 10<sup>th</sup> day of July, 2018.

FINALLY RECONSIDERED AND ADOPTED, this 14<sup>th</sup> day of August, 2018.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Corporate Officer

Dated at Peachland, B.C.

This 14<sup>th</sup> day of August, 2018.